

IN THE MATTER OF * BEFORE THE MARYLAND
SHATARRA CAPRICE JOHNSON * BOARD OF NURSING
LICENSE NO: LP53308 *

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**ORDER OF TERMINATION OF PROBATION OF
LICENSED PRACTICAL NURSE LICENSE**

On March 22, 2017, the Maryland Board of Nursing (the "Board") executed an "Consent Order Granting Licensure as a Licensed Practical Nurse/Order of Probation" hereinafter "Probation Order",¹ which placed the license of SHATARRA CAPRICE JOHNSON ("the Licensee"), to practice as a licensed practical nurse, license number LP53308, in the State of Maryland on probation for a minimum of five (5) years, subject to certain probationary terms and conditions.

The Licensee has satisfied all the terms and conditions of probation that were imposed in the Probation Order, therefore it is hereby:

ORDERED that the probation ordered upon the Licensee by the Probation Order dated March 22, 2017, is hereby **TERMINATED** and the Probation Order is of no further force and effect; and it is further

ORDERED that this is a Final Decision and Order is a **PUBLIC RECORD** under Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014)

August 9, 2022
Date

Karen E. B. Evans MSN, RN-BC
The Executive Director's Signature
Appears on the Original Document

¹ The Probation Order is incorporated by reference into this Order and is attached to this Order as Exhibit A.

IN THE MATTER OF
SHATARRA THOMAS
LPN APPLICANT

* BEFORE THE MARYLAND
* BOARD OF NURSING
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**CONSENT ORDER GRANTING LICENSURE AS A
LICENSED PRACTICAL NURSE/ORDER OF PROBATION**

On or about July 12, 2016, Shatarra Thomas (“the Applicant”) submitted an application for licensure as a licensed practical nurse (“LPN”) to the Maryland Board of Nursing (the “Board”). On that application, the Applicant disclosed that she had previously been disciplined by the Arizona State Board of Nursing (“the Arizona Board”) and the Michigan Board of Nursing (“the Michigan Board”). The Board conducted an investigation, but before formal charges were issued, on January 18, 2017, the Applicant attended a settlement conference with members of the Board in an effort to resolve this matter informally. At that settlement conference, the Board and the Applicant agreed to the following Findings of Fact, Conclusions of Law, and Order.

I. FINDINGS OF FACT

The Board finds that:

1. On or about July 12, 2016, the Applicant submitted an application for licensure as an LPN in the State of Maryland to the Board. On that application, the Applicant disclosed that the states of Arizona and Michigan had disciplined her respective licenses to practice practical nursing in those states.

Arizona Board

2. On or about June 27, 2007, the Arizona Board issued a license to practice practical nursing in the State of Arizona to the Applicant. The Applicant’s Arizona license is currently non-renewed, having expired on June 17, 2016.



THOMAS, Shatarra (LPN Applicant)

Consent Order Granting Licensure as a Licensed Practical Nurse/Order of Probation

3. On September 14, 2015, the Arizona Board accepted a "Consent Agreement and Order" to which the Applicant had agreed. In this Order, the Arizona Board found:

2. On or about December 13, 2010, [the Applicant] was charged by Phoenix Police Department with Driving Under the Influence (DUI) – Impaired to the Slightest Degree; DUI Alcohol Concentration greater than 0.08; Extreme DUI with BAC of 0.15 to less than 0.20; and DUI with a BAC of 0.20 or more. On or about April 4, 2011, in Phoenix Municipal Court in case number M-0741-4285679, [the Applicant] was convicted of misdemeanor DUI with BAC of 0.20 or more and DUI – Impaired to the slightest degree by guilty judgement. [The Applicant] was sentenced to, among other things, thirty days of incarceration followed by thirty days confinement at home.

3. On or about April 20, 2011, [the Applicant] self-reported she had been convicted of DUI on April 4, 2011 for DUI charges on December 13, 2010. On or about April 20, 2011, [the Applicant] admitted to Board staff she drank approximately four alcoholic drinks within two hours on December 13, 2010 at a bar in Phoenix, Arizona and then drove her car. She said as she was leaving the bar, she backed up, hit another vehicle and was charged by a Phoenix Police Officer with misdemeanor DUI. On or about April 28, 2011, [the Applicant] admitted to Board staff she had been drinking daily to intoxication and her alcohol use had gradually worsened over her adult life. [The Applicant] signed a CANDO Stipulated Agreement on or about May 23, 2011 requiring among other things, to cease nursing practice until authorized by CANDO to return to practice, abstinence from the use of alcohol and unauthorized use of all mind or mood altering medication and controlled and addictive substances; random urine drug tests; substance abuse treatment and aftercare treatment; self-reports; alcoholic or narcotic anonymous and nurse support group meeting attendance; and nursing employer notification and supervision.

4. On or about January 17, 2013, [the Applicant] failed to submit to a random drug test in violation of her Stipulated Agreement.

5. On or about October 2, 2013, [the Applicant]'s random drug test was positive for temazepam, a benzodiazepine, for which she did not have a valid prescription, in violation of her Stipulated Agreement. On or about October 16, 2013, [the Applicant] admitted she had taken what she believed was Ativan, but may have been Valium, due to anxiety on or about October 1, 2013. [The Applicant] said the medication was either from her old prescription or a friend's old prescription in her possession. On or about October 16, 2013, [the Applicant] signed an Addendum to her CANDO Stipulated Agreement requiring, in addition to the original requirements and among other things, extension of the CANDO Stipulated Agreement term, cessation of nursing practice until authorized by Board staff, relapse evaluation, weekly drug testing, daily AA or NA meeting attendance for ninety days and no controlled medication access or administration for six months.

6. On or about April 3, 2014, the Director of Nursing at Arizona Veteran's Home in Phoenix, Arizona, where [the Applicant] was employed as a staff nurse, submitted a report to the Board that [the Applicant] had administered controlled medications to her patients many times according to an audit she performed on [the Applicant]'s medication documentation and in violation of her Stipulated Agreement. The Director reported that all the coworkers who would have been available to administer controlled medications to [the Applicant]'s patients told her [the Applicant] said she needed to have the medications co-signed on the narcotic sign-out sheet but [the Applicant] physically had possession of the medications and did not ask coworkers to administer the medications. The Director said the audit did not reflect any patterns suggestive of diversion. On or about April 3, 2014, coworker A, who worked often with the [the Applicant], stated to Board staff that [the Applicant] did not ask her to administer her patient's controlled medications. On or about April 9, 2014, [the Applicant] denied to Board staff that she had administered controlled medications to her patients. She admitted she had documented administration of all her patient's controlled medications. She said she meant the patients had received the medications, not that she had administered them. On or about April 9, 2014, [the Applicant] signed a noncompliance Addendum to her CANDO Stipulated Agreement requiring, among other things, extension of the CANDO Stipulated Agreement for three years, cessation of nursing practice until authorized to resume, substance use disorder recovery evaluation, and restriction from accessing or administering controlled medications for twelve months.

7. On or about July 30, 2014, [the Applicant]'s random drug test was positive for ethyl glucuronide and ethyl sulfate, metabolites of alcohol. On or about August 11, 2014, [the Applicant] denied drinking alcohol to Board staff and admitted she had taken Nyquil, in or around July 2014, in violation of her Stipulated Agreement.

4. Based on these findings of fact, the Arizona Board concluded that the Applicant violated numerous provisions of Arizona law, including: "Failing to comply with a stipulated agreement, consent agreement or board order"; "A pattern of using or being under the influence of alcohol, drugs, or a similar substance to the extent that judgment may be impaired and nursing practice detrimentally affected . . ."; and "Practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed."

THOMAS, Shatarra (LPN Applicant)

Consent Order Granting Licensure as a Licensed Practical Nurse/Order of Probation

5. Accordingly, the Arizona Board ordered the following: that the Applicant's Arizona license be revoked, but that revocation be stayed; that the Applicant's Arizona license be suspended for a minimum of twelve (12) months with terms and conditions; and that upon completion of the terms and conditions of the stayed revocation/suspension, the Applicant's Arizona license be placed on probation for a minimum of twenty-four (24) months stayed revocation/probation to be followed by a minimum of twelve (12) months of standard probation.
6. Thereafter, on or about June 17, 2016, the Arizona Board accepted the Applicant's voluntary surrender of her Arizona license for a three-year period. The Applicant voluntarily surrendered her Arizona license after telling Board staff that she is not able to complete a substance abuse evaluation by a Board-approved, doctoral-prepared licensed evaluator who has expertise in substance abuse disorders, as required by her September 14, 2015 Consent Order. The Applicant also failed to submit quarterly AA/NA attendance logs for three consecutive quarters in violation of the Consent Order.

Michigan Board

7. On or about March 19, 2007, the Michigan Board issued a license to practice as a practical nurse in the State of Michigan to the Applicant. The Applicant's Michigan license is currently non-renewed, having expired on March 31, 2014.
8. On or about October 10, 2013, the Michigan Board indefinitely suspended the Applicant's Michigan license and ordered her to pay a \$250 fine based on the Arizona Board's discipline.

THOMAS, Shatarra (LPN Applicant)
Consent Order Granting Licensure as a Licensed Practical Nurse/Order of Probation

Discussion

9. Based on the foregoing, the Board finds that the Applicant violated the Nurse Practice Act, Md. Code Ann., Health Occupations Article (“HO”) §§ 8-101 *et seq.* (2014 Repl. Vol.), specifically HO § 8-316(a)(3). The Board finds that the Applicant was disciplined by the State of Arizona for an act that would grounds for discipline under the Board’s disciplinary statutes, specifically HO § 8-316(a)(18) (“Is habitually intoxicated”) and HO § 8-316(a)(3) (“Violates . . . an order from the Board”).
10. The Board finds that the Applicant’s violation falls within category C of the Board’s sanctioning guidelines. *See* COMAR 10.27.26.07.C. The range of potential sanctions under category C is reprimand to revocation, and the range of potential monetary penalties is \$1,000 to \$5,000.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant violated HO § 8-316(a) of the Nurse Practice Act as follows:

- (3) Is disciplined by a licensing, military, or disciplinary authority in this State or in any other state or country or convicted or disciplined by a court in this state or in any other state or country for an act that would be grounds for disciplinary action under the Board’s disciplinary statutes; *specifically*:
 - (18) Is habitually intoxicated;
 - (30) Violates regulations adopted by the Board or an order from the Board[.]

III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the application of Shatarra Thomas for licensure as a licensed practical nurse in the State of Maryland is hereby **GRANTED**; and it is further

THOMAS, Shatarra (LPN Applicant)

Consent Order Granting Licensure as a Licensed Practical Nurse/Order of Probation

ORDERED that the license of Shatarra Thomas to practice as a licensed practical nurse in the State of Maryland shall be placed on **PROBATION FOR A MINIMUM OF FIVE (5) YEARS** on the effective date of this Consent Order, subject to the following terms and conditions:

1. The Applicant's status as a licensed practical nurse will be listed in the Board's computer records and on the Board's website as being on "**Probation.**"
2. The Applicant may seek employment as a licensed practical nurse, but shall obtain Board approval before accepting any new position.
3. The Applicant shall immediately notify all employers of the probationary status of the Applicant's license and arrange for all employers to submit, in writing, confirmation that they have reviewed this Consent Order.
4. The Applicant shall arrange for the Applicant's supervisor at the Applicant's place of employment to submit **written quarterly work-site reports** to the Board evaluating the Applicant's nursing practice. If the Applicant's employment terminates at any of the Applicant's place(s) of employment prior to the due date of a quarterly report, then a final work-site report is due on the last day of employment. It is the Applicant's responsibility to ensure that work-site reports are submitted to the Board and to notify the Applicant's supervisor when these reports are due. An unsatisfactory report will be considered a violation of probation and this Consent Order.
5. The Applicant shall submit to the Board **written monthly self-reports** describing the Applicant's progress.¹ Failure to provide written self reports on time shall constitute a

¹ If the Applicant has been fully compliant with submitting written monthly self-reports to the Board describing the Applicant's progress for the first year of probation, the Applicant may request that the submission of monthly self-reports be reduced to quarterly self-reports. The Board retains the discretion to deny the Applicant's request.

THOMAS, Shatarra (LP), Applicant)

Consent Order Granting Licensure as a Licensed Practical Nurse/Order of Probation

violation of probation and this Consent Order.

6. The Applicant shall not seek employment or be employed in the following work environments: a school setting, hospice/palliative care, home health care, critical care unit, or assisted living.

7. The Applicant shall only work where there is a registered nurse physically present and immediately available.

8. The Applicant shall submit to random drug testing, at any time, of urine, breath, or blood at least once a month, but not more than 36-40 times per year (a maximum of 36-40 times per year for the first two years; a maximum of 24-30 times per year for the remainder of the probationary period, but the Applicant may request a maximum of 20 times per year for the last year of the probationary period) as required by the Board and cause the results to be submitted to the Board in addition to the following additional drug-monitoring terms and conditions:

a. Registering with "First Lab" (First Hospital Laboratories, Inc., Professional Health Monitoring) by contacting them by phone at 1-800-732-3784 or on their website at www.firstlab.com. After registering, the Applicant is responsible for contacting First Lab on a daily basis (Monday through Sunday) by phone at 1-877-282-1911 and submitting to all First Lab testing requirements and policies and procedures;

b. Any positive or missed test directed or ordered by First Lab, the Board, or the Applicant's employer(s) shall be reported to the Board and be considered a violation of the Consent Order;

c. Any tampering with a test sample or other improper attempt to avoid a positive drug or alcohol test result is a violation of the Consent Order;

d. The Applicant shall not consume poppy seeds, quinine water, hemp tea, or other products containing substances that could trigger a false positive drug or alcohol test; and

e. The Applicant shall remain drug and alcohol free.

THOMAS, Shatarra (LP1, Applicant)

Consent Order Granting Licensure as a Licensed Practical Nurse/Order of Probation

9. The Applicant shall attend at least **THREE (3)** support group meetings per week, (such as peer recovery support groups, Narcotics or Alcoholics Anonymous, or Celebrate Recover), and submit documentation, such as attendance slips signed by the leader of the support group meeting, verifying the Applicant's attendance at **THREE (3)** meetings per week.

10. The Applicant must maintain a sponsor.

11. If the Applicant is prescribed any medication, the Applicant will notify the Board immediately by telephone and send a copy of the prescription to the Board within **three (3) days**. The Applicant shall show the Order to any healthcare provider who prescribes for the Applicant, including, but not limited to, dentists, physicians, nurse practitioners, and physician assistants. In addition, if the Applicant is prescribed any mood-altering substance or any Schedule II–V controlled substance, the Applicant shall agree to have the Applicant's prescribing provider provide to the Board a medication report pertaining to the condition that necessitated the prescription within **TEN (10) DAYS** of the date of each prescription. It is the Applicant's responsibility to ensure that the medication report is submitted to the Board within **TEN (10) DAYS** of the date of each prescription. In addition, the Applicant shall not take any mood altering drugs unless approved by the Applicant's healthcare provider.

12. At any time during the probationary period, the Board may, in its discretion, order the Applicant to submit to an appropriate examination by a healthcare provider designated by the Board. The Applicant shall sign all necessary consent forms required to authorize disclosure of the examiner's written report to the Board, and the Board will pay the costs of this examination.

THOMAS, Shatarra (LPN Applicant)

Consent Order Granting Licensure as a Licensed Practical Nurse/Order of Probation

13. The Applicant shall seek and/or maintain treatment with a Board-approved treatment provider/treatment program. Within **TWO (2) WEEKS** of the effective date of this Consent Order, the Applicant is responsible for ensuring that her treatment provider/treatment program submits written verification to the Board that they have reviewed this Order. The Applicant shall comply with all terms and conditions set by the treatment provider/treatment program.

14. The Applicant shall maintain treatment throughout the probationary period. In the event the Applicant terminates treatment prior to discharge by treatment provider, has a missed or positive toxicology screen and/or breathalyzer, or has unsatisfactory progress, the Applicant shall immediately notify the Board.

15. Failure to abide by any of these conditions shall constitute a violation of probation and/or this Consent Order; and it is further

ORDERED that this Consent Order shall be applicable to the Applicant's multistate licensing privilege to practice as an LPN pursuant to the Nurse Licensure Compact, and for the duration of this Consent Order, the Applicant may not work outside the State of Maryland pursuant to the multistate licensing privilege or pursuant to a license issued by a non-party state without written permission of the Maryland Board of Nursing and the nursing board in the party or non-party state where the Applicant wishes to work; and it is further

ORDERED that in the event that the Applicant moves permanently or temporarily, the Applicant shall notify the Board of the new address and phone number within **THREE BUSINESS (3) DAYS** of the move; and it is further

ORDERED that the Applicant shall notify the Board in writing of any nursing position from which the Applicant is terminated by the employer and/or any nursing position from which

THOMAS, Shatarra (LP. Applicant)

Consent Order Granting Licensure as a Licensed Practical Nurse/Order of Probation

the Applicant voluntarily resigns within **THREE (3) BUSINESS DAYS** of the date of termination or resignation in said written notification. The Applicant shall include the reasons for the termination or resignation in said written notification; and it is further

ORDERED that the Applicant shall disclose a copy of this Consent Order to the Nursing Board of another State where employed and submit to this Board written acknowledgement; and it is further

ORDERED that in the event that the Board issues to the Applicant any other type of license and/or certificate to which the Board is authorized to grant, that license and/or certificate shall also be subject to the terms of this Order; and it is further

ORDERED that the Applicant shall obey all state and federal laws. If the Applicant is convicted of, or pleads guilty to, any crimes, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside, the Applicant shall notify the Board, in writing, of any conviction(s) or guilty plea(s) within **TEN (10) DAYS** of the conviction or guilty plea. Failure to report a conviction or guilty plea to the Board in writing within **TEN (10) DAYS** is a violation of probation and this Consent Order; and it is further

ORDERED that the Applicant shall have contacted, and scheduled an appointment with, the Board of Nursing's Discipline/Compliance unit **no later than (10) business days from the effective date of this Consent Order**, for the purpose of beginning compliance with its terms and conditions. Failure to contact the Board as required by this paragraph shall constitute a violation of probation and of this Consent Order; and it is further

ORDERED that the Applicant shall submit to an in-person, face-to-face annual meeting with Board staff throughout the entire duration of the probationary period if requested to do so;

THOMAS, Shatarra (LPN, Applicant)
Consent Order Granting Licensure as a Licensed Practical Nurse/Order of Probation

ORDERED that the Applicant shall be responsible for paying all costs required to comply with the all of the terms and conditions of probation and this Consent Order; and it is further

ORDERED that there shall be no early termination of the probation imposed in this Consent Order. After **FIVE (5) YEARS** from the effective date of this Consent Order have passed, the Board will consider a petition from the Applicant for the termination of probation, provided that the Applicant has been compliant with all of the probationary terms of this Consent Order and safely employed as an LPN for at least **NINE (9) MONTHS** immediately preceding the petition of termination of probationary status; and it is further

ORDERED that the Applicant's failure to abide by any of these conditions shall constitute a violation of the Consent Order. If the Applicant violates any of the terms and conditions of the Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board if there is a genuine dispute as to the material fact(s), or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction that the Board may have imposed in this case under Health Occ. § 8-316, including a reprimand, additional probation, suspension, revocation, and/or monetary penalty; and it is further

ORDERED that this Consent Order is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

3/22/17
Date



Sabita Persaud, PhD, RN, APHN-BC
President
Maryland Board of Nursing

THOMAS, Shatarra (LPN, Applicant)

Consent Order Granting Licensure as a Licensed Practical Nurse/Order of Probation

CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact, and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.



Shatarra Thomas, LPN Applicant

THOMAS, Shatarra (LP: Applicant)
Consent Order Granting Licensure as a Licensed Practical Nurse/Order of Probation

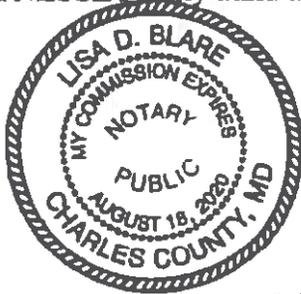
NOTARIZATION

CITY: Waldorf Maryland
COUNTY: Charles

I HEREBY CERTIFY that on this 22 day of February, before me, Notary Public of the State and City/County aforesaid, Shatarra Thomas, personally appeared, and made oath in due form of law that signing the foregoing Consent Order Granting Licensure as a Licensed Practical Nurse/Order of Probation was the voluntary act and deed of Shatarra Thomas.

AS WITNESSETH my hand and notarial seal.

SEAL



Lisa D. Blare

Notary Public

My Commission Expires: 08/18/2020